



Georgia Department of Motor Vehicle Safety

Roy E. Barnes
Governor

Tim Burgess
Commissioner

June 4, 2002

MEMORANDUM

TO: Division Directors and Section Supervisors

FROM: Tim Burgess

SUBJECT: Proposed Administrative Rule Change

Enclosed are proposed rule changes in Chapter 570-3, Driver's License; and 375-3, Driver License Services along with the Notice of Public Hearing. Such proposal and notice shall be placed on your bulletin board for a period of thirty (30) days. After the rules and Notice of Public Hearing have been posted, please confirm via email to Phyllis Johnson at pjohnson@dmvs.ga.gov.

If you have any questions, please direct them to Neal Childers, General Counsel at (678) 413-8765.

TB:pmj

Enclosures

Commissioner's Office
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375-3-2-.01 Renewal of License and Identification Card: When Licenses and Identification Cards may be Renewed.

(1) Licenses and identification cards expire on the person's birthday in the fourth (4th) year after issuance.

(2) Licenses and identification cards may be renewed up to one hundred fifty (150) days prior to the date of expiration.

(3) No license or identification card may be renewed prior to that time without prior approval by the Commissioner or his designee. Such a renewal will terminate the license or identification card renewed, and no rebate of fees will be authorized.

Authority O.C.G.A. § 40-5-32(a); O.C.G.A. § 40-5-100(b); O.C.G.A. § 40-5-172(a). **History.**

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

This regulation is enacted to specify the time within which licenses and identification cards must be renewed.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

375-3-2-.02 Renewal of License and Identification Card: Alternative Means of Renewal.

(1) The Commissioner may authorize, consistent with Georgia law and with these regulations, renewal of a driver's license or identification card by the following means:

- (a) Personal appearance;
- (b) Renewal by mail;
- (c) Renewal by telephone;
- (d) Renewal via electronic means.

(2) Except as otherwise authorized by the Commissioner, licenses and identification cards must be renewed by personal appearance at a Department of Motor Vehicle Safety facility before a driver's license examiner of the Department.

(3) The Commissioner is authorized to waive the requirement of a personal appearance under the following circumstances:

- (a) All such waivers shall be consistent with public safety considerations;
- (b) All such waivers shall be designed so as to promote efficiency of service to the holders of licenses and identification cards;
- (c) No person may be granted a waiver from renewal by personal appearance for more than one renewal cycle if that waiver is exercised; (i.e., after exercising the privilege of renewal by alternative means, the person must appear in person for the next renewal before again being eligible to renew by alternative means). If the person is granted a waiver but chooses not to exercise it and renews in person, the person may continue to be eligible for a waiver from renewal by personal appearance until that waiver is exercised.
- (d) No person may be granted a waiver from renewal by personal appearance if that person's license or identification card is currently revoked, suspended, or cancelled. If a license or identification card is revoked, suspended, or cancelled after a waiver has been granted, the waiver shall be deemed to be withdrawn without the necessity of further action by the

Department, and the person shall be required to appear in person to reinstate the license or identification card prior to renewal.

(e) Persons granted a waiver from the requirement of a personal appearance for the renewal of a driver's license shall certify that their vision and physical condition have not significantly changed since the last personal appearance before the Department, and that the person remains mentally and physically capable of the safe operation of a motor vehicle of the class for which the license is being renewed.

(f) A person granted a waiver will not be required to surrender the driver's license or identification card being renewed if the waiver is exercised; however, the Department will advise the person of reasons why the license or identification card should be destroyed by the person.

(g) No person will be granted a waiver unless the person's photograph, fingerprints, and signature are on file via digital image.

Authority O.C.G.A. § 40-5-32(a); O.C.G.A. § 40-5-100(b); O.C.G.A. § 40-5-172(a). **History.**

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

This regulation is enacted to specify the persons who may be eligible for the renewal of licenses and identification cards by means other than personal appearance.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

375-3-2-.03 Renewal of License and Identification Card: Fees for Alternative Means of Renewal.

- (1) The fee charged to the person who opts to renew a driver's license or identification card by means other than by personal appearance shall be the same as the fee that would have been charged if the person renewed in person.
- (2) Persons who renew by mail may pay the applicable fee by certified check, cashier's check, postal money order, or personal check. Checks must be made payable to the Department of Motor Vehicle Safety.
- (3) Persons who renew by telephone or by electronic means may pay the applicable fee by use of such credit cards or debit cards as from time to time may be authorized for use by the Department.
- (4) If a check is returned by the drawer's bank for any reason, the Department shall assess a returned check fee of \$25.00. The license or identification card shall be cancelled, and shall not be reinstated until the person pays the applicable fee and the returned check fee. The Department may require that payment in this circumstance be made in cash. For the purposes of this regulation, payment through the use of a debit card shall be deemed to be payment by check.
- (5) If a credit card transaction is rejected or the subject of a "charge back," the license or identification card shall be cancelled, and shall not be reinstated until the person pays the applicable fee. The Department may require that payment in this circumstance be made in cash.
- (6) The Commissioner may, in his sole discretion, debit any "merchant fee" imposed by a credit card issuer against receipts prior to transmission of receipts to the Treasury, or may impose a convenience fee as provided by law on credit card transactions.

Authority O.C.G.A. § 40-5-32(a); O.C.G.A. § 40-5-100(b); O.C.G.A. § 40-5-172(a); O.C.G.A. § 16-9-20(j); O.C.G.A. § 40-5-25; O.C.G.A. § 50-1-6. **History.**

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

This regulation is enacted to specify how persons who may be eligible for the renewal of licenses and identification cards by means other than personal appearance may pay the required fees.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

570-3-.02 Application for Motor Vehicle Driver's Licenses: Required Information. Amended.

(1) All persons applying for any motor vehicle driver's license issued by the state of Georgia shall state in writing whether he has ever been issued a driver's license by the State of Georgia or any other state or agency and shall state the date and place of issuance with the license number, if known. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.

(2) All persons applying for any motor vehicle driver's license issued by the State of Georgia shall state in writing whether he has taken any previous driver's license examination in any jurisdiction. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.

(3) Any person applying for any motor vehicle driver's license issued by the State of Georgia shall state in writing if any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial. The circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re-issued or application granted. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.

(4) Any applicant for any motor vehicle driver's license issued by the State of Georgia shall state in writing whether he has been convicted of any previous violations of motor vehicle laws, in any jurisdiction, giving the nature and circumstances of the offense, the penalty imposed, and the date and place of the occurrence. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.

(5) Any applicant for an initial Georgia driver's license shall furnish one of the following:

- (a) Original birth certificate;
- (b) Certificate or birth registration;
- (c) Certified copy of birth certificate;
- (d) Certified copy of court records (adoption, name, or sex change);
- (e) Certified naturalization documentation;
- (f) Immigration ID Card;
- (g) Valid passport.

(6) Applicants for a Georgia driver's license must provide documentation proving either United States citizenship or legal authorization from the U.S. Immigration and Naturalization Service.

(7) Any person applying for any driver's license issued by the State of Georgia shall furnish proof that the applicant resided in Georgia and provide a valid Georgia residence address. The following items are acceptable proof:

- (a) Utility bill with valid Georgia residence address;
- (b) Bank statement with valid Georgia residence address;
- (c) Rental contracts and/or receipts with valid Georgia residence address;
- (d) Employer verification;
- (e) Georgia license issued to parent, guardian or spouse.

This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.

(8) Application fees may be paid by cash, cashier's or certified checks, U.S. Postal, Telegraph or Bank Money Orders. No personal checks will be accepted, except for those persons renewing a driver's license or identification card by mail when authorized to do so by the Department. Persons who renew driver's license or identification card by telephone or by electronic means, when authorized to do so by the Department, may pay the applicable fee by use of

such credit cards or debit cards as from time to time may be authorized for use by the Department.

(9) Any person applying for a driver's license who wants their social security number to be utilized as the license number shall make a request at the time of application and present their official social security card. Any social security number beginning with a zero (0) shall not be utilized as a license number.

(10) In accordance with O.C.G.A. § [40-5-28](#), all driver's licenses shall bear a color photograph of the licensee. Specifically, all applicants are to be photographed, with no part of the applicant's face covered.

(11) In addition to the items listed in 570-3-.32(1), (2), (3), or (4)(b), any two of the following documents will be acceptable proof of identity for a replacement Georgia driver's license:

- (a) Marriage License;
- (b) Social Security Card;
- (c) Previous Year Income Tax Return;
- (d) Current Insurance Policy;
- (e) Current Automobile Registration Receipt;
- (f) Voter Registration Card.

(12) In lieu of any other requirement imposed by the regulations of the Department of ~~Public~~ Motor Vehicle Safety, the applicant's fingerprints will be acceptable proof of identity for a replacement Georgia driver's license or identification card under the following conditions:

- (a) The applicant has previously been issued a Georgia driver's license or identification card;
- (b) As a part of the process for obtaining a Georgia driver's license or identification card, the applicant furnished fingerprints ~~to the Department of Public Safety;~~
- (c) The applicant furnished his or her fingerprints ~~to the Department of Public Safety~~ by means of an inkless fingerprint scanning device;

- (d) The applicant furnishes his or her fingerprints to the Department of ~~Public Safety~~ by means of an inkless fingerprint scanning device at the time of application for a replacement driver's license or identification card; and
- (e) The fingerprints furnished at the time of application for a replacement driver's license or identification card match the fingerprints submitted at the time of issuance of the prior driver's license or identification card.

Authority Ga. L. 1937, pp. 322, 342, as amended (Ga. Code. Ann. Sec. 92A-401, 92A-410, 92A-429) Ga. L. 1975, pp. 1008, 1016 (Ga. Code. Ann. Sec. 68B-206); O.C.G.A. Secs. [40-5-28](#), 40-5-101. **History.** Original Rule entitled "Application for Motor Vehicle Driver's License: Required Information" was filed and effective on July 20, 1965. **Amended:** Filed December 11, 1975; effective December 31, 1975. **Amended:** Filed April 4, 1985; effective April 24, 1985. **Amended:** F. Jan. 7, 1994; eff. Jan. 27, 1994. **Amended:** F. Sept. 9, 1994; eff. Sept. 29, 1994. **Amended:** F. Sept. 8, 1995; eff. Sept. 28, 1995. **Amended:** F. May 8, 2000; eff. May 28, 2000.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified in order to comply with H.B. 1368, which makes provision for renewals by alternative means to personal appearance.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The sentence "This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department" is added to paragraphs (1), (2), (3), (4), and (7).

The prohibition against payment by personal check in Paragraph (8) is removed for persons renewing a driver's license by mail, when authorized to do so by the Department.

In paragraph (12), references to the Department of Public Safety are deleted or replaced with references to the Department of Motor Vehicle Safety, as appropriate, to reflect the transfer of this program.

570-3-.06 Eye Examination. Amended.

(1) An eyesight examination is an essential part of every application for any class of license or instruction permit. An applicant must meet the minimum standards established by Rule [570-17-.08](#).

(2) In lieu of a Departmental eye examination the applicant may obtain a statement made by a physician licensed under Ga. Code Ann. Chapter [84-9](#) or other person licensed under Ga. Code Ann. 84-11 and 84-12 (Optometrists and Osteopaths), within 12 months immediately preceding the application for the license.

(3) Persons authorized by the Department to renew a driver's license by means other than by personal appearance are exempt from this requirement.

Authority Ga. L. 1975, pp. 1008, 1015 (Ga. Code Ann., Sec. 68B-205); O.C.G.A. Sec. [40-5-4](#).

History. Original Rule was filed and effective on July 20, 1965. **Amended:** Original Rule entitled "Mental Condition of the Applicant" repealed and no new Rule adopted. Filed November 10, 1974; effective November 30, 1974. **Amended:** New Rule entitled "Eye Examination" adopted. Filed December 11, 1975; effective December 31, 1975. **Amended:** F. May 11, 1992; eff. May 31, 1992.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified in order to comply with H.B. 1368, which makes provision for renewals by alternative means to personal appearance.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

Paragraph (3) is added.

570-3-.17 When Licenses Are Renewable. Amended.

(1) Licenses are renewable one-hundred and fifty (150) days prior to expiration.

(2) The period for renewing a license may be extended at the discretion of the Commissioner for any period deemed necessary, upon a showing by the licensee of special circumstances.

(3) The renewal of any license under section (2) will be held to terminate any prior licenses held by the licensee. Such termination will not entitle the licensee to any rebate of fees.

(4) Driver's licenses held by active duty service members and their dependents stationed outside of Georgia, and those Georgia residents attending school outside of Georgia, may be renewed by mail ~~and shall be valid without photograph or signature,~~ provided that the licensee's photograph, fingerprints, and signature are on file via digital image. The applicant applying for the renewal of the license must make written request for the renewal and include therein:

(a) Payment of the appropriate license fee for the class license currently held by the licensee. This fee must be in the form of a certified check, cashier's check, or postal money order.

~~(b) A visual report completed by a physician or optometrist indicating the individual's visual acuity (corrected and uncorrected) and also the individual's peripheral vision. Any visual impairments that would interfere with the safe operation of a motor vehicle should be indicated by the physician or optometrist, and also any recommendations for restrictions on the license (daylight hours only, no expressway, etc.) should be listed. Georgia law requires that applicants for a driver's license have visual acuity of at least 20/60+ in one eye and a peripheral vision of 140 degrees.~~

~~*NOTE: This form appears on pages 24.11, 24.12.~~

(e) Military personnel and their dependents must send a letter from their commanding officer stating that they are in the military or a military dependent.

~~(d)~~ Students must submit along with their renewal request a letter from a school official stating that he/she is a full time student.

(d) This privilege may be utilized only for a single renewal. After one renewal has been conducted by means other than by personal appearance, the licensee must appear in person at a departmental facility for the next renewal.

(5) Any exception to the procedures outlined herein shall be approved only by the Commissioner or his designee.

Authority Ga. L. 1975, pp. 1008, 1020 (Ga. Code Ann., Sec. 68B-213); O.C.G.A. Sec. [40-5-32](#).

History. Original Rule entitled "When Licenses are Renewable" was filed on December 11, 1975; effective December 31, 1975. **Amended:** Filed November 7, 1984; effective November 27, 1984.

Amended: Filed November 10, 1986; effective November 30, 1986.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified in order to comply with H.B. 1368, which makes provision for renewals by alternative means to personal appearance, and provides for a waiver of the requirement of an evaluation of eyesight for those persons authorized to renew a driver's license by alternative means.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The phrase "provided that the licensee's photograph, fingerprints, and signature are on file via digital image" is added to Paragraph (4).

Former subparagraph (4)(b) is deleted, and subparagraphs (4)(c) and (4)(d) are renumbered accordingly.

Subparagraph (4)(d) is added.

570-3-.18 License Renewal Self-Examination. Amended.

When a person applies for a license renewal by personal appearance before the Department, the Department shall issue that person a pamphlet containing updated traffic laws and a list of those laws which are most often violated. The Department may determine a knowledge self-examination, not to exceed ten (10) questions, which will be composed of information in the pamphlet given to each renewal applicant.

Authority Ga. L. 1975, pp. 1008, 1020 (Ga. Code Ann., Sec. 68B-213). **History.** Original Rule entitled "License Renewal Self-Examination" was filed on December 11, 1975; effective December 31, 1975.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The existing regulation is modified in order to comply with H.B. 1368, which makes provision for renewals by alternative means to personal appearance.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The phrase "by personal appearance before the Department" is added.